

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

SHELL TRADEMARK MANAGEMENT)		No. 3:07cv-00163
BV and MOTIVA ENTERPRISES, LLC,)		
Plaintiffs,)		
vs.)		
RAY THOMAS PETROLEUM)		DEFENDANTS' EXHIBIT LIST
COMPANY, INC.,)		
Defendant.)		

The Defendant, RAY THOMAS PETROLEUM COMPANY, INC., may offer the following exhibits at trial:

<u>Exhibit #</u>	<u>Description</u>	<u>Identified by</u>	<u>Admitted</u>
1.	1-6-09 fax transmittal from Jack Woerner with 2004 summary and backup (Ex. 2 of Jack Woerner deposition)		
2.	1-6-09 fax transmittal from Jack Woerner with 2005 summary and backup (Ex. 3 of Jack Woerner deposition)		
3.	1-6-09 fax transmittal from Jack Woerner with 2006 summary and backup (Ex. 4 of Jack Woerner deposition)		
4.	Ray Thomas Petroleum Gross Profit Analysis (Ex. 5 of Jack Woerner deposition)		
5.	Shell Gross Profit per Gallon Analysis (Ex. 6 of Jack Woerner deposition)		
6.	Breakdown of Shell Product Purchased January 1, 2004 through December 31, 2004 (Ex. 7 of Jack Woerner deposition)		

7.	Breakdown of Shell Product Purchased January 1, 2005 through December 31, 2005 (Ex. 8 of Jack Woerner deposition)		
8.	Breakdown of Shell Product Purchased January 1, 2006 through September 26, 2006 (Ex. 9 of Jack Woerner deposition)		
9.	Shell Net Profit Summary Sheet (Ex. 10 of Jack Woerner deposition)		
10.	Summary chart of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2004.		
11.	Summary chart of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2005.		
12.	Summary chart of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2006.		
13.	Backup data for computation of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2004.		
14.	Backup data for computation of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2005.		
15.	Backup data for computation of net profits and losses of Ray Thomas Petroleum for Shell-branded locations for 2006.		
16.	Freight costs of Ray Thomas Petroleum for Shell-branded locations for 2004, 2005 and 2006		
17.	Computation of damages of Ray Thomas Petroleum for rebranding expenses. (Def's 148.)		
18.	Backup book asset detail for Ray Thomas Petroleum's rebranding expenses. (Def's 000157 through 215.)		
19.	2004 Settlement Agreement (MNC00501-503)		

20.	October 25, 2004 Richard L. Robertson letter to H. J. Strickland, Jr. re: settlement agreement between Motiva Enterprises, LLC and Ray Thomas Petroleum (MNC01342-MNC01343.)		
21.	NC Petroleum Marketers Association of Supply Issues Alert #3 dated September 1, 2005 concerning affects of Hurricane Katrina.		
22.	NC Petroleum Marketers Association and North Carolina Supply Issues Alert #9 dated September 9, 2005.		
23.	Service Level by Terminal. (Exhibit 4 from deposition of Eugene Goll) MNC2036-1 to 2038-1		
24.	Shell's notification of Hurricane Katrina Relief Effort to Shell Wholesalers and Retailers dated September 2, 2005. (Exhibit 6- Goll deposition.) (Def.'s 00004 to 0006)		
25.	Email of May 25, 2004 from Jose Montenegro of Authentix to Gene Goll regarding Shell Gasoline Enforcement Protocol. (Exhibit 8 of Goll deposition.) MNC2039		
26.	Shell's Commingling & Incentives Review Program. (Exhibit 9 of Goll deposition.) MNC90017 to MNC90018.		
27.	Email of August 30, 2005, 12:02 p.m. from Joe Miles, Performance Analyst for Shell to Ray Thomas Petroleum re: change to 1-day volume lifting control at terminal #8514. (Def. 22)		
28.	Email of August 29, 2005 from Joe Miles to Ray Thomas Petroleum re: change in volume lifting control at terminal #8063. (Def. 49)		
29.	Email of August 29, 2005 from Joe Miles to Ray Thomas Petroleum re: change in volume lifting control at terminal #8060. (Def. 50)		
30.	Email of August 30, 2005 from Joe Miles to Ray Thomas Petroleum re: change in volume lifting control at terminal #8503 (Def. 53)		

31.	Email of August 30, 2005 at 8:41 a.m. from Joe Miles of Shell to Ray Thomas Petroleum re: change to 3-day volume lifting control at terminal #8514. (Def. 55)		
32.	Email of August 30, 2005, 12:02 p.m. from Joe Miles of Shell to Ray Thomas Petroleum re: change to 1-day volume lifting control at terminal #8060. (Def. 57)		
33.	Email of August 30, 2005 at 12:02 p.m. from Joe Miles of Shell to Ray Thomas Petroleum re: change to 1-day volume lifting control at terminal #8503. (Def. 59)		
34.	Email of August 30, 2005 at 12:02 p.m. from Joe Miles of Shell to Ray Thomas Petroleum re: change to 1-day volume lifting control at terminal #8514. (Def. 60)		
35.	Exhibit 17 of Goll deposition. MNC00646		
36.	Email of July 5, 2006 from Larry McCarter re: outage of gasoline (Def. 146)		
37.	Email of August 30, 2005 from Kevin Brown of Motiva re: Motiva's Greensboro terminal out of regular gasoline. (Def. 570)		
38.	Email of September 28, 2005 from Kevin Brown re: Motiva's Greensboro terminal out of premium and plus gasoline. (Def. 572)		
39.	Email of April 23, 2006 from Kevin Brown re: Motiva's Greensboro terminal out of regular gasoline. (Def. 573)		
40.	Email of May 3, 2006 from Kevin Brown re: Motiva's Charlotte North terminal out of regular gasoline. (Def. 574)		
41.	Email of July 21, 2006 from Steven Holton re: Motiva's Charlotte terminal out of regular gasoline. (Def. 575)		

42.	Email of November 3, 2006 from Kevin Brown re: Motiva's Charlotte North & South terminals out of premium and mid-grade gasoline. (Def 577)		
43.	Email of November 3, 2006 from Kevin Brown re: Motiva's Charlotte North & South terminal out of premium and mid-grade gasoline. (Def. 578)		
44.	Email of November 4, 2006 from Kevin Brown re: Motiva's Charlotte North & South terminal out of premium and mid-grade gasoline. (Def. 579)		
45.	Email of November 10, 2006 from Kevin Brown re: Motiva's Knoxville, TN terminal out of unleaded gasoline. (Def. 580)		
46.	Email of April 7, 2005 from Kristi Jackson of Authentix to Shell re: Ray Thomas Petroleum, compliance monitoring. (Exhibit 11 to Goll deposition.)		
47.	E-Mail of 11-25-08 from Laurie Sullivan, Esq. to Jeffrey Rubin regarding proposed expert report, declaration and damages chart. MNC02149		
48.	E-Mail of 11-25-08 from Laurie Sullivan to Jeffrey Rubin with draft of proposed expert report – MNC02150-02173		
49.	E-Mail of 11-25-08 from Laurie Sullivan to Jeffrey Rubin with draft of proposed declaration MNC02174-02179		
50.	E-Mail of 11-25-08 from Laurie Sullivan to Jeffrey Rubin with draft of proposed damages chart. MNC02180-02188		
51.	E-Mail of November 18, 2008 from Jeff Rubin to James Cowan re: Ray Thomas analysis. MNC02189		
52.	Wholesale Marketer Agreement–MNC00020-00041		
53.	NC and SC Volumes – MNC02607-02608		
54.	Polocheck Deposition Exhibit 1, Service Level by Terminal for 2004 – MNC9007		

55.	Polocheck Deposition Exhibit 2, Service Level by Terminal for 2005 – MNC90071		
56.	Polocheck Deposition Exhibit 3, Service Level by Terminal for 2006 – MNC90072		
57.	Polocheck Deposition Exhibit 4, Service Level by Terminal for 2007 – MNC90073		
58.	Polocheck Deposition Exhibit 5, Service Level by Terminal for 2008 – MNC90074		
59.	Polocheck Deposition Exhibit 6, Motiva 2005 to 2008 Supply Service Issues – MNC90075-90103		
60.	Polocheck Deposition Ex. 7 - MNC90104-90219		
61.	Deposition transcript of Eugene Goll		
62.	Deposition transcript of Layne Polocheck		
63.	2007 & 2006 Financial Statement of Ray Thomas Petroleum (Exhibit to L. Ray Thomas Deposition)		
64.	2006 Tax Return of Ray Thomas Petroleum (Exhibit to Deposition of L. Ray Thomas)		
65.	2007 Tax Return of Ray Thomas Petroleum (Exhibit to Deposition of L. Ray Thomas)		
66.	2007 & 2008 Financial Statement of Ray Thomas Petroleum.		
67.	Shell Summary Data with backup for 2004 to 2006.		

Respectfully submitted, this the 10th day of July, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *Defendants' Exhibit List* on the Plaintiffs and other parties in the foregoing civil action via electronic transmission and/or the United States Mail, first class postage prepaid, addressed as follows:

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This the 10th day of July, 2009.

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